

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
9

10 THE GALINA SUDAI 2009
11 IRREVOCABLE TRUST FOR THE
12 BENEFIT OF HER HANDICAPPED
SON, MICHAEL KUBRAK,

Plaintiff,

13 v.

14 ROBB EVANS, *et al.*,

15 Defendants.
16

Case No. 2:09-cv-2181-LDG (RJJ)

ORDER

17
18 Cross-defendants Patti Michaely ("Patti") and Robb Evans, who has been appointed
19 Receiver over all of the assets of Joshua Michaely, move to dismiss (#54) the cross-claim
20 of Joshua Michaely ("Joshua"). Joshua has opposed the motion (#61) and has moved to
21 amend his complaint (#63).

22 Patti and Evans have demonstrated that Joshua lacks standing to bring the cross-
23 claim, as all of Joshua's assets are under the control of the Receiver and Joshua has
24 received neither the leave of the Receiver nor of the Court appointing the Receiver to bring
25 the present action. (Further, as Receiver, Evans is entitled to absolute immunity from suit
26 by Joshua until Joshua receives leave of the court appointing Evans as Receiver.)

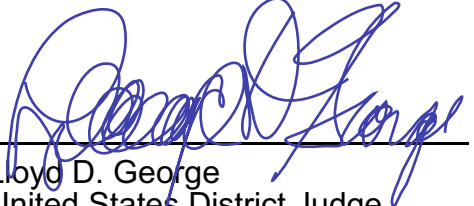
1 Joshua's proposed amended complaint does not cure this defect.

2 Accordingly, for good cause shown,

3 THE COURT **ORDERS** that the Motion to Dismiss (#54) Joshua Michaely's Cross-
4 claim is GRANTED with prejudice.

5 THE COURT FURTHER **ORDERS** that Joshua Michaely's Motion to Amend Cross-
6 claim (#63) is DENIED.

7
8 DATED this 27 day of August, 2010.

9
10 
11 Lloyd D. George
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26